

AIRGRAM

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HANDLING INDICATOR

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TAGS : PLOS, SE, MP
 FROM : Amembassy VICTORIA

DATE: August 18, 1977

SUBJECT : SEYCHELLES ADOPTS NEW MARITIME ZONES ACT

REF :

SUGGESTED DISTRIBUTION

The Government of Seychelles has promulgated a new law redefining the nation's territorial sea and exclusive economic zone. Entitled the Maritime Zones Act, the law was approved by the National Assembly under the previous government. It entered into force by Presidential decree August 1, 1977. The Act is enclosed with this airgram.

Under the terms of the Act the limit of the territorial waters is fixed as the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline(determined in accordance with the straight baseline system). In addition, the exclusive economic zone is defined as the area beyond and adjacent to the territorial waters extending to a distance of 200 nautical miles from the baseline. The Act also defines the continental shelf and enumerates Seychelles rights with respect to the exclusive economic zone and the continental shelf.

With respect to foreign ships, the Act stipulates that all foreign ships(other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters. Foreign warships, including submarines, may enter or pass through territorial waters after giving notice to the President's office. Submarines, however, must navigate on the surface and show their flag while passing through the territorial waters.

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At the present time there is little or no economic activity within the claimed exclusive economic zone. However, the government does plan to make a major effort, with French, British, and perhaps Soviet assistance, to develop a fishing industry both to feed the local population and for export. Furthermore, the GOS recently signed an off-shore oil exploration agreement with an international consortium including Amoco.

The government news agency here has reported that Mauritius simultaneously promulgated a similar Maritime Zones Act. It indicated that both laws had been the subject of negotiation and collaboration between the two governments intended to avert any problems arising from overlapping jurisdictions.

FELDER

Attachment: The Maritime Zones Act, 1977

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SEYCHELLES

Act No. 15 of 1977.

I Assent,



JAMES R. MANCHAM,
President.

20 May, 1977.

An Act to provide for certain matters relating to the territorial waters, the continental shelf, the exclusive economic zone and the historic waters of Seychelles.

ENACTED by the Parliament of Seychelles.

1. This Act may be cited as the Maritime Zones Act, 1977 and shall come into operation on such date as the President may, by order, appoint.

Citation
and com-
mencement.

Interpretation.

2. In this Act

"baseline" means the baseline as determined in accordance with the straight baseline system ;

"continental shelf" means the continental shelf of Seychelles ;

"designated area" means an area declared as such under section 9 ;

"exclusive economic zone" means the exclusive economic zone of Seychelles ;

"historic waters" means the historic waters of Seychelles ;

"limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Seychelles, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Seychelles ;

"resources" includes living and non-living resources as well as resources for the production of energy from tides, winds and currents ;

"submarines" includes underwater vehicles however propelled ;

"territorial waters" means the territorial waters of Seychelles.

Sovereignty over and limits of territorial waters.

3.—(1) The sovereignty of Seychelles extends and has always extended to the territorial waters of Seychelles and to the seabed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the President considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (4), by Order published in the *Gazette*, amend the limit of the territorial waters.

territorial waters by foreign ships.

4.—(1) Without prejudice to any other enactment in force but subject to subsection (2), (3) and (4), all foreign ships (other than warships, including submarines) shall

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enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the President's Office.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the President is satisfied that it is necessary so to do—

(a) in the interest of public safety, public order, defence or security of Seychelles or any part thereof; or

(b) in pursuance of any treaty to which Seychelles is a party,

he may, by Order published in the *Gazette*, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

5.—(1) The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Seychelles—

Continental shelf.

(a) to the outer edge of the continental margin; or

(b) to a distance of two hundred nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Seychelles has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

6.—(1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of two hundred nautical miles from the baseline.

Exclusive economic zone.

(2) Notwithstanding anything contained in subsection (1), where the President considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (3), by Order published in the

Gazette, amend the limit of the exclusive economic zone as specified in subsection (1).

Rights over
continental
shelf and
exclusive
economic zone.

7.—(1) Without prejudice to sections 3, 5 and 6, but subject to subsection (3) and (6) Seychelles has, in the continental shelf and the exclusive economic zone—

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources ;
- (b) exclusive rights and jurisdiction for the constructions, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose ;
- (c) exclusive jurisdiction to authorise, regulate and conduct scientific research ;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution ; and
- (e) such other rights as are recognised by International Law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Seychelles or of licence granted by or under the authority of the President, no person shall, in relation to the continental shelf or the exclusive economic zone—

- (a) explore or exploit any resources ;
- (b) carry out any search, excavation or drilling operations ;
- (c) conduct any research ;
- (d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (d) and to any measures that may be necessary for protecting the interest of Seychelles, foreign States may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the authority of the President has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Seychelles or a body corporate registered in Seychelles and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Seychelles of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms—

- (a) freedom of navigation ; and
- (b) freedom of overflight.

8.—(1) The President may, by Order published in the *Gazette*, specify the limits of the historic waters.

Historic waters.

(2) The sovereign rights of Seychelles extends, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the air space over, the historic waters.

9. The President may, by Order published in the *Gazette*—

Designated areas of the continental shelf and the exclusive economic zone.

- (a) declare any area of the continental shelf or the exclusive economic zone to be a designated area ; and
- (b) make such provisions as he considers necessary with respect to—
 - (i) the exploration, exploitation and protection of the resources within the designated area ;
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in the designated area ;
 - (iii) the regulation and conduct of scientific research in the designated area ;
 - (iv) the protection of the marine environment in the designated area ;
 - (v) customs and other fiscal matters in relation to the designated area ;

- (vi) the regulation of entry into and passage of foreign ships through the designated area ;
- (vii) the establishment of fairways, sealanes, traffic separation schemes or any mode of ensuring freedom of navigation which is not prejudicial to the interest of Seychelles.

Extension of enactments.

10. The President may, by Order published in the *Gazette*—

- (a) extend with such restrictions and modifications as he thinks fit, any enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area ;
- (b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

Publication of charts.

11. The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

Offences.

12.—(1) Any person who contravenes any provisions of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand rupees or to imprisonment for a term not exceeding five years.

(2) Any person who commits an offence shall be tried in the Supreme Court.

Offences by agent and body corporate.

13.—(1) Where an offence is committed by—

- (a) an agent, the person for whom the agent is acting ;
- (b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is

attributable to any neglect on the part of the director, manager, secretary, or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Application
of Act.

15.—(1) The President may make such regulations as he considers necessary for carrying out the purposes of this Act.

Regulations.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters—

- (a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historical waters ;
- (b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone ;
- (c) the regulation of the construction, maintenance of artificial islands, off-shore terminals, installations and other structures and devices ;
- (d) the preservation and the protection of the marine environment and the prevention and control of marine pollution ;
- (e) the regulation and conduct of scientific research ;
- (f) the fees in relation to licences ; and
- (g) any matter incidental to any of the matters specified in paragraphs (a) to (f).

I certify that this is a correct copy of the Bill which was passed by the National Assembly on the 27th day of April, 1977.

J. RENAUD,
Clerk of the National Assembly.

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THE MARITIME ZONES ACT, 1977

ARRANGEMENT OF SECTIONS

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5. Continental shelf.
6. Exclusive economic zone.
7. Rights over continental shelf and exclusive economic zone.
8. Historic waters.
9. Designated areas of the continental shelf and the exclusive economic zone.
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